

**REMARKS**

This paper is submitted in reply to the Final Office Action dated December 29, 2005 and the Supplemental Final Office Action dated January 12, 2006, concurrently with a Request for Continued Examination (RCE) and within the three month period for response. Authorization to charge Deposit Account 23-3000 for the requisite fee is granted therein.

In the subject Office Action, claims 1, 3-7, 11-14, 17-19, 22, 24-29, 33-34, 36-40, 42-48, 52-55 and 57-60 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,365,798 to Shields et al. (Shields). In addition, claims 8-10, 15-16, 20, 30-32, 35, 41, 49-51, 56 and 60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shields.

As an initial matter, Applicant wishes to thank the Examiner for the courtesy extended to Applicant's representative during the personal interview of January 30, 2006. The Examiner's appreciated insights, consideration and professionalism was instrumental in determining allowable subject matter to be included in each independent claim.

Applicant has amended claims 1, 22, and 42 in deference to the Examiner's suggestions. More particularly, each remaining independent claim now recites a structure having a first set of opposite ends substantially symmetrical about a first axis and a second set of opposite ends substantially symmetrical about a second axis that is perpendicular to the first axis. Claim 21 has been canceled to further put the claims in condition for allowance. Applicant submits that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed.

Turning more particularly to claim 1, this claim generally recites a pliable, resilient structure having a first set of opposite ends substantially symmetrical about a first axis and a second set of opposite ends substantially symmetrical about a second axis that is perpendicular to the first axis. The structure further includes first and second opposite sides, and is adapted to be inserted into a pocket of clothing worn by a user. The first and second sides are reflective, and the structure seats free of a fastener within the

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pocket. The structure is adapted to be inserted into the pocket of clothing, and to reflect light, no matter which side or which end protrudes from the pocket.

The novelty mirror disclosed in Shields does not have a first set of opposite ends substantially symmetrical about a first axis and a second set of opposite ends substantially symmetrical about a second axis that is perpendicular to the first axis, among other claimed features. As a result, the novelty mirror of Shields must be carefully oriented in order to create the desired optical illusion. This careful manipulation contrasts the carefree feature of Applicant's device that allows display without regard to involved manipulation, as described in the last paragraph on page four of the application. Such manipulation could distract emergency personnel and other users during deployment, and discourages the formation of habitual use. The ease of use is in part due to the fact that a wearer does not have to regard which side or end protrudes from his or her pocket, a feature underscored by the substantially symmetrical, opposite sets of ends of the claimed structure.

Other features of claim 1 further distinguish Shields from Applicant's invention. For instance, the claimed structure is resilient, which allows the structure to conform to the movement of the wearer, while maintaining its structural integrity even as a user sits, squats, or bends, as described on pg. 5, lines 9-12. The novelty mirror of Shields, in contrast, must not be bent so as avoid permanently creasing or otherwise marring its mirrored surfaces.

As such, Shields cannot be said to anticipate each and every element of claim 1, and withdrawal of the §102 rejection is respectfully requested. Moreover, the novelty mirror disclosed in Shields could not form a proper basis for a §103 rejection based, in part, on at least the asymmetry of its ends. The novelty mirror 10, as shown in Fig. 1, must by design have a face portion 11 for reflecting a partner's image (while concealing the holder's face) and a much more narrow handle 12 for gripping. For at least these reasons, claim 1 is novel and non-obvious over the cited prior art. Reconsideration and allowance of claim 1, as well as of claims 3-20 that depend therefrom, are therefore respectfully requested.

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Independent claim 22 generally recites a method for signaling the presence of a user, comprising providing a pliable, resilient structure having a first set of opposite ends substantially symmetrical about a first axis and a second set of opposite ends substantially symmetrical about a second axis that is perpendicular to the first axis. The structure further includes first and second opposite sides, and is adapted to be inserted into a pocket of clothing worn by a user. The first and second sides are reflective, and the structure is configured to seat free of a fastener within the pocket. As such, claim 22 is novel and non-obvious over the cited prior art for substantially the same reasons as claim 1.

Moreover, claim 22 also includes inserting the structure into a pocket of clothing worn by the user without regard to which side or which end protrudes from the pocket, and reflecting light with said structure. This insertion into the pocket may be accomplished without regard to which side or end protrudes from the pocket, while the structure reflects light. No cited prior art discloses or suggests such functionality. For at least these reasons, claim 22 is novel and non-obvious over the cited prior art. Applicant therefore respectfully requests reconsideration and allowance of claim 1, as well as of claims 24-41 that depend therefrom.

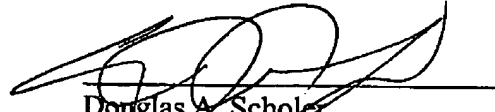
Independent claim 42 generally recites a semi-rigid and pliable, resilient structure having a first set of opposite ends substantially symmetrical about a first axis and a second set of opposite ends substantially symmetrical about a second axis that is perpendicular to the first axis. The structure further includes first and second opposite sides, and is adapted to be inserted into a pocket of a user. The first and second sides are reflective, and the structure seats free of a fastener within the pocket. Because claim 42 includes the above-discussed novel and non-obvious features, claim 42 is patentable for substantially the same reasons as claim 1. Reconsideration and allowance of claim 42, as well as of claims 43-61 that depend therefrom, are therefore respectfully requested.

Applicant respectfully submits that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. Applicant respectfully traverses any rejections and objections in lieu of the above amendments, as the cited art does not disclose or suggest

the invention as recited in any of claims 1, 3-22 and 24-61. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

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Date

  
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